

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERN MADISON WATER	)	
DISTRICT FOR CERTIFICATE OF CONVENIENCE	)	CASE NO.
AND NECESSITY TO CONSTRUCT STORAGE	)	90-305
FACILITIES	)	

O R D E R

On October 5, 1990, Southern Madison Water District ("Southern Madison") initiated this proceeding by filing an application for a Certificate of Public Convenience and Necessity with the Commission. The application was for authorization to construct a 90,000 gallon water storage tank, 1,525 feet of 4-inch connecting water lines, and related appurtenances. In the course of Commission Staff's review of this case, evidence was discovered which indicated that Southern Madison had already constructed the facilities for which a certificate was sought. As a result, the Commission issued an Order on June 19, 1991, which initiated Case No. 91-188,<sup>1</sup> directing Southern Madison and its Commissioners to show cause why they should not be penalized for constructing facilities without first obtaining a certificate from the Commission. By Order of August 7, 1991, the Commission directed

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<sup>1</sup> Case No. 91-188, Investigation of Construction by Southern Madison Water District, H. Wayne Lunsford, Leonard Hays, Howard Woodson, and Ray Curry.

that the instant proceeding be held in abeyance until such time as Case No. 91-188 was resolved.

On September 24, 1991, the Commission entered an Order in Case No. 91-188 approving and adopting a Settlement Agreement between Commission Staff and Southern Madison. In the Settlement Agreement, the commissioners of Southern Madison admitted that construction of the facilities for which a certificate is sought herein was begun before a certificate was obtained, and agreed to pay penalties in the amount of \$500 each in settlement of the case. Accordingly, the instant proceeding need no longer be held in abeyance.

The Commission finds that, inasmuch as it does not certificate construction projects which have already been constructed, it cannot provide the relief requested by Southern Madison in this proceeding. The action of Southern Madison in constructing the facilities sought to be certificated herein has been addressed in Case No. 91-188, with appropriate penalties assessed for violation of KRS 278.020. Adoption by the Commission of the Settlement Agreement in Case No. 91-188 constituted a final adjudication of the unauthorized construction issue raised in that case. For the above reasons, the Commission finds that the instant proceeding should be dismissed.

IT IS THEREFORE ORDERED that this proceeding be and hereby is dismissed with prejudice.

Done at Frankfort, Kentucky, this 1st day of November, 1991.

PUBLIC SERVICE COMMISSION

G. F. I. Owens  
Chairman

Robert M. Davis  
Vice Chairman

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Commissioner

ATTEST:

Lee M. Macfarlane  
Executive Director